

BQ

JUL 15 2008

JUL 15 2008

Page 2

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURTUNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT  
SENTENCE BY A PERSON IN FEDERAL CUSTODY

United States District Court		Northern District of Illinois	
Name (under which you were convicted):		James Rayford	
Place of Confinement:	FCI Pekin	Prisoner No.:	04976-025
UNITED STATES OF AMERICA		Movant (include name under which you were convicted) v. James Rayford	

## MOTION

- (a) Name and location of court that entered the judgment of conviction you are challenging: United States District Court Northern Illinois  
219 S. Dearborn Street Chicago, IL 60604
- (b) Criminal docket or case number (if you know): \_\_\_\_\_
- (a) Date of the judgment of conviction (if you know): August 21st 2007
- (b) Date of sentencing: August 21st 2007
- Length of sentence: 36 months
- Nature of crime (all counts): Violations of supervised release

**08CV3998**  
**JUDGE CONLON**  
**MAG. JUDGE VALDEZ**

- (a) What was your plea? (Check one)  
 (1) Not guilty ☐ (2) Guilty ☐ (3) Nolo contendere (no contest) ☒  
 (b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to? N/A
- If you went to trial, what kind of trial did you have? (Check one) Jury ☐ Judge only ☐

7. Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes ☐ No ☒
8. Did you appeal from the judgment of conviction? Yes ☐ No ☒
9. If you did appeal, answer the following:

(a) Name of court: N/A

(b) Docket or case number (if you know): N/A

(c) Result: N/A

(d) Date of result (if you know): N/A

(e) Citation to the case (if you know): N/A

(f) Grounds raised: N/A

- (g) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If "Yes," answer the following:

(1) Docket or case number (if you know): 06-CR-00343

(2) Result: \_\_\_\_\_

(3) Date of result (if you know): N/A

(4) Citation to the case (if you know): N/A

(5) Grounds raised: N/A

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications concerning this judgment of conviction in any court?

Yes ☐ No ☒

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: N/A

(2) Docket or case number (if you know): N/A

(3) Date of filing (if you know): N/A

(4) Nature of the proceeding: N/A

(5) Grounds raised: N/A

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☒

(7) Result: N/A

(8) Date of result (if you know): N/A

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court: N/A

(2) Docket or case number (if you know): N/A

(3) Date of filing (if you know): N/A

(4) Nature of the proceeding: N/A

(5) Grounds raised: N/A

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☒

(7) Result: N/A

(8) Date of result (if you know): N/A

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐ No ☒

(2) Second petition: Yes ☐ No ☒

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not: 2255 WAS THE PROPER VENUE TO FILE APPEAL

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: INEFFECTIVE ASSISTANCE OF COUNSEL

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

COUNSEL FAILED TO OBJECT TO SENTENCE THAT WAS WELL  
OUTSIDE OF THE GUIDELINE RANGE.

(b) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

2255 WAS THE  
PROPER VENUE TO FILE APPEAL. COUNSEL DID NOT  
PRESERVE ERROR FOR DIRECT APPEAL.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed: N/A

Docket or case number (if you know):

N/A

N/A

Date of the court's decision:

N/A

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

N/A

Docket or case number (if you know):

N/A

N/A

Date of the court's decision:

N/A

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

N/A

GROUND TWO:

INEFFECTIVE ASSISTANCE OF COUNSEL

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

COUNSEL ADVISED ME TO PLEAD GUILTY AND NOT CONTEST CHARGES THAT WERE ADMITTED AGAINST ME IN STATE COURT.

## (b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒(2) If you did not raise this issue in your direct appeal, explain why: N/A2255 WAS THE PROPER VERDICT. COUNSEL DIDN'T PRESENT  
SENTENCING ERROR.

## (c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: N/AName and location of the court where the motion or petition was filed: N/ADocket or case number (if you know): N/ADate of the court's decision: N/AResult (attach a copy of the court's opinion or order, if available): N/A

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: N/ADocket or case number (if you know): N/ADate of the court's decision: N/AResult (attach a copy of the court's opinion or order, if available): N/A

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: N/A

**GROUND THREE: Ineffective Assistance of Counsel**

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

COUNSEL FAILED TO CALL WITNESS THAT MOVANT INFORMED HER  
ABOUT THAT WOULD TESTIFY ON ~~THE~~ MOVANT'S BEHALF.

**(b) Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

2255 WAS THE PROPER VENUE FOR INEFFECTIVE ASSISTANCE  
OF COUNSEL.

**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed: N/A

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available): N/A

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: N/A

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available): N/A

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: N/A

#### GROUND FOUR:

Court used improper information to sentence MOUNT.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Court gave false information to court about MOUNT. States a CAC placement. Counsel informed court that MOUNT missed drug testing evaluation because MOUNT was kicked out of halfway house placement when in fact MOUNT was out on job development pass.



**(b) Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

2255 WAS THE PROPER VENUE. COUNSEL DIDNT PRESERVE ERROR

**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed: N/A

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available): N/A

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: N/A

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available): N/A

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: N/A

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: N/A

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. N/A

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: KEEL AMBROSIO - LAW OFFICES OF KEEL AMBROSIO  
53 WEST JACKSON BOULEVARD SUITE 1220 CHICAGO, IL 60604

(b) At arraignment and plea: KEEL AMBROSIO - LAW OFFICES OF KEEL AMBROSIO  
53 WEST JACKSON BOULEVARD SUITE 1220 CHICAGO, IL 60604

(c) At trial: \_\_\_\_\_

(d) At sentencing: KEEL AMBROSIO - LAW OFFICES OF KEEL AMBROSIO  
53 WEST JACKSON BOULEVARD SUITE 1220 CHICAGO, IL 60604

(e) On appeal: N/A

(f) In any post-conviction proceeding: N/A

(g) On appeal from any ruling against you in a post-conviction proceeding: N/A

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: N/A

(b) Give the date the other sentence was imposed: N/A

(c) Give the length of the other sentence: N/A

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☒

18. **TIMELINESS OF MOTION:** If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion. \* W/A

\* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of —

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Ground five: Ineffective assistance of counsel  
Counsel never informed MOUNT that he would be sentenced on August 21<sup>st</sup> 2007. MOUNT was told that he was going to a hearing to determine if his supervised release should be revoked. Hearing was scheduled on August 9<sup>th</sup> 2007, with no mention of sentence to be determined. See Criminal Docket for case number 1:06-cr-00343 number 11. This provided MOUNT with no chance to provide mitigating factors, such as fear of MOUNT's family members being murdered on separate occasions by gun violence because of heavy gang war, including MOUNT's first cousin a 22 yrs. old female who was pregnant when she was shot and killed. Also MOUNT's 9 yrs. old daughter was hospitalized for trauma not being able to sleep and nightmares because of being a witness to MOUNT's younger cousin a 17 yrs old high school student being gunned down while playing with MOUNT's daughter in front yard. All incidents were separate and MOUNT's P.O. Ms. Lisa Kester was aware of all incidents including MOUNT's childhood friend while MOUNT was in CCC placement. MOUNT worked for childhood friends father while on supervised release doing general labor for construction company. MOUNT's childhood friend was killed in robbery attempt while going to cash his check. All incidents and more were reported to Probation Officer with proof of all incidents.

Therefore, movant asks that the Court grant the following relief:

collection of sentence,  
vacate sentence, sentencing hearing,

or any other relief to which movant may be entitled.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct  
and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on 7-10-08  
\_\_\_\_\_  
(month, date, year).

Executed (signed) on 7-10-08 (date).

Ames Rufford  
Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not  
signing this motion. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*



*Certificate of Completion*

*James Rayford*

*Completed all required course work for this*

*program.*



# Certificate of Completion

*Let it be known that*

**James Rayford**

*has successfully completed 12 weeks of*  
**Non-Residential Drug Abuse Treatment**

*M. Gillum*

M. Gillum, M.S., Drug Treatment Specialist

*April 2008*



# Certificate of Completion

Let it be known that

James Rayford

Is hereby awarded for successfully completing  
all required course work for the

Anger Management Program

Dr. Wayne PsyD.  
Dr. Williams, FCI, Peckin Psychologist

January 2008



Case 1:08-cv-03998 Document 1 Filed 07/15/2008 Page 18 of 29

# Certificate of Completion

*This certificate is presented to*

**James Rayford**

*For completion of*

**CDL Information**

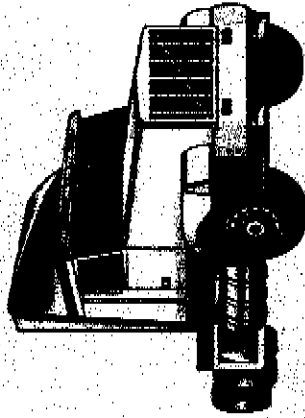
*Inmate taught continuing education class*

**Consisting of 12 hours of instruction**

**On this 26<sup>th</sup> day of February, 2008**

**Federal Correctional Institution**

**Pekin, IL**



C. Jones  
C. Jones, ACE Coordinator

William Creek

William Creek, SOE

*Certificate of Completion*

*This certificate is presented to*

**James Rayford**

*For completion of*

**Start Your Own  
Business**

*Inmate taught continuing education class*

**Consisting of 12 hours of instruction**

**On this 8<sup>th</sup> day of January, 2008**

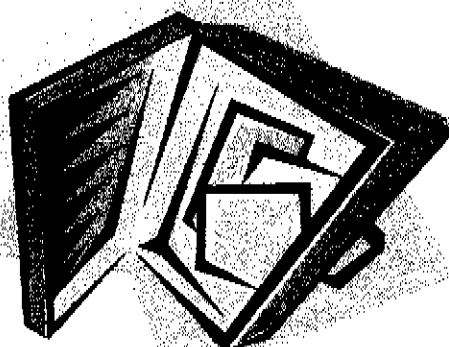
**Federal Correctional Institution**

**Pekin, IL**

*C. Jones*

**C. Jones, ACE Coordinator**

*William Creek, SOE*



Case 1:08-cv-00998 Document 1 Filed 07/15/2008 Page 29 of 29

# Certificate of Completion

This certificate is presented to

**James Rayford**

For completion of

**Real Estate Investing**

Inmate taught continuing education class

Consisting of 12 hours of instruction

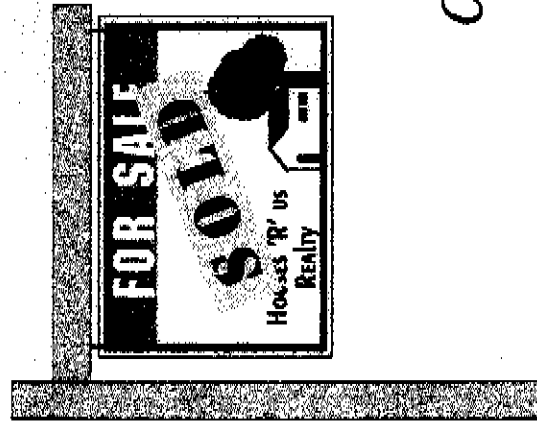
On this 8<sup>th</sup> day of January, 2008

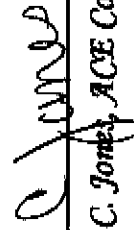
Federal Correctional Institution

Pekin, IL



William Creek SOE



  
C. Jones, ACE Coordinator

*This certificate is presented to*

***James Rayford***

*For completion of*

***Basic Stock Market***

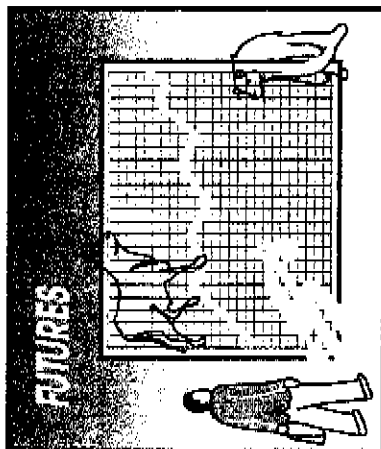
*Inmate taught continuing education class*

*Consisting of 12 hours of instruction*

*On this 7<sup>th</sup> day of January, 2008*

*Federal Correctional Institution*

*Pekin, IL*



*C. Jones*

*C. Jones, ACE Coordinator*

*William Creek, SOE*

*William Creek, SOE*

"Study to shew thyself approved unto God, a workman that needeth not to be ashamed, rightly dividing the word of truth." 2 Timothy 2:15

# Certificate of Completion

THIS IS TO CERTIFY THAT

*James Rayford*

WAS AWARDED THIS CERTIFICATE FOR SUCCESSFULLY COMPLETING  
THE BIBLE STUDY COURSE

*Faith*

ON THIS 24<sup>th</sup> DAY OF December, 2007

GRADE 105% A+

THIS CERTIFICATE IS PRESENTED BY  
The Rock of Ages Prison Ministry

*James E. Jones*  
Rock of Ages Representative

Midwest Regional Director  
Title





# Certificate of Achievement

This certificate is presented  
to

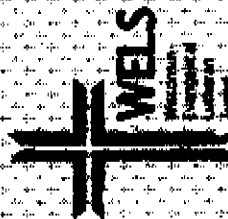
James Rayford

for having satisfactorily completed the self-study course entitled

The Death and Rising of Jesus Christ

1-8-08  
Date issued

Leon J. Branda  
Director



WISCONSIN EV. LUTHERAN SYNOD

Commission on Special Ministries

Institutional Ministries Committee

2929 N. Mayfair

Milwaukee, Wisconsin 53222

# Certificate of Achievement

This certificate is presented  
to

James Rayford

for having satisfactorily completed the self-study course entitled

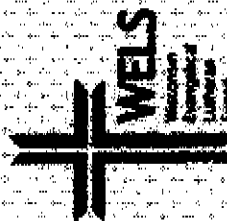
## A Bible Handbook

10-16-07

Date Issued

Leslie A. Brund

Director



WISCONSIN EV. LUTHERAN SYNOD

Commission on Special Ministries  
Institutional Ministries Committee

2929 N. Mayfair  
Milwaukee, Wisconsin 53222





# Certificate of Achievement

This certificate is presented  
to

James Rayford

for having satisfactorily completed the self-study course entitled

JESUS THE CHRIST

9-25-01

Date Issued

Leon S. Bonds

Director



WISCONSIN EV. LUTHERAN SYNOD

Commission on Special Ministries  
Institutional Ministries Committee

2929 N. Mayfair

Milwaukee, Wisconsin 53222



\*Study to shew thyself approved unto God, a workman that needeth not to be ashamed, rightly dividing the word of truth.\* 2 Timothy 2:15

# *Certificate of Completion*

THIS IS TO CERTIFY THAT

*James Rayford*

WAS AWARDED THIS CERTIFICATE FOR SUCCESSFULLY COMPLETING  
THE BIBLE STUDY COURSE

*Assurance*

ON THIS 22<sup>nd</sup> DAY OF October, 2007

GRADE 101% A+

THIS CERTIFICATE IS PRESENTED BY  
The Rock of Ages Prison Ministry

*James E. Jones*  
Rock of Ages Representative

Midwest Regional Director

Title



\*Study to shew thyself approved unto God, a workman that needeth not to be ashamed, rightly dividing the word of truth.\* 2 Timothy 2:15

# *Certificate of Completion*

THIS IS TO CERTIFY THAT

*James Rayford*

WAS AWARDED THIS CERTIFICATE FOR SUCCESSFULLY COMPLETING  
THE BIBLE STUDY COURSE

*Repentance*

ON THIS *24<sup>th</sup>* DAY OF *December, 2007*

GRADE *101%* *A+*

THIS CERTIFICATE IS PRESENTED BY  
The Rock of Ages Prison Ministry



*James E. Jones*  
Rock of Ages Representative



Midwest Regional Director  
Title

"Study to shew thyself approved unto God, a workman that needeth not to be ashamed, rightly dividing the word of truth." 2 Timothy 2:15

# *Certificate of Completion*

THIS IS TO CERTIFY THAT

*James Rayford*

WAS AWARDED THIS CERTIFICATE FOR SUCCESSFULLY COMPLETING  
THE BIBLE STUDY COURSE

*Regeneration*

ON THIS 24<sup>th</sup> DAY OF December, 2007

GRADE 105% A+

THIS CERTIFICATE IS PRESENTED BY  
The Rock of Ages Prison Ministry

*James E. Jones*  
Rock of Ages Representative

Midwest Regional Director  
Title



"Study to shew thyself approved unto God, a workman that needeth not to be ashamed, rightly dividing the word of truth." 2 Timothy 2:15

# Certificate of Completion

THIS IS TO CERTIFY THAT

*James Rayford*

WAS AWARDED THIS CERTIFICATE FOR SUCCESSFULLY COMPLETING  
THE BIBLE STUDY COURSE

*That Ye May Know*

ON THIS *2nd* DAY OF *October, 2007*

GRADE *100%* *A*

THIS CERTIFICATE IS PRESENTED BY  
The Rock of Ages Prison Ministry



*James E. Jones*  
Rock of Ages Representative



Midwest Regional Director  
Title